



# Notice

No: 07-17

## APPLICABLE TO:

<input checked="" type="checkbox"/>	Municipal & Private Non Profit
<input checked="" type="checkbox"/>	Co-operatives
<input checked="" type="checkbox"/>	Federal Non Profits ( <i>information</i> )
<input type="checkbox"/>	OCHAP/CSHP
<input type="checkbox"/>	Rent Supplement

DATE: October 8, 2007

<input checked="" type="checkbox"/>	Mandatory
<input type="checkbox"/>	For Information

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**SUBJECT: Revised Eligibility Criteria – Evicted for Cause (Violent/Destructive Behaviour)**

NRH has established a policy whereby households with two or more failed social housing tenancies, who are evicted for cause due to violent or destructive behaviour, be deemed ineligible for RGI assistance until such time as they can demonstrate changes in their behaviour and/or they have adequate support services in place.

### Background

Prior to the *Social Housing Reform Act, 2000* (SHRA) housing providers had more flexibility to deny households who were evicted for cause such as illegal activity, destruction of premises or violent/threatening behaviour towards neighbours.

Since the implementation of the SHRA, both NRH Operations Division and housing providers have expressed concern regarding an increase in the number of evictions, and have further expressed concern that the Act does not prohibit a household who has been evicted for cause other than rental arrears or misrepresentation of income, from reapplying for RGI assistance.

There are typically three main reasons that households are evicted for cause:

- Illegal acts
- Violence
- Harassment of other residents

Currently, households who have been evicted as a result of these acts can immediately reapply for rent-geared-to-income (RGI) housing without attempting to change the behaviour that resulted in their eviction. There are limited provisions in the SHRA that would allow these former households to be deemed ineligible for the waiting list.

Legislation stipulates the eligibility requirements for applicants requesting RGI assistance and does not allow for suitability assessments related to prior evictions for cause. If the applicant meets the eligibility requirements stipulated in the SHRA, the household is added to the subsidiary waiting lists of the housing communities where they have indicated a preference.

Given the fact that changes to improve regulations in this area appears to be some time away, NRH has approved a policy that builds on the SHRA RGI eligibility requirement, providing a culture that encourages active involvement with support agencies or treatment centers that can change behaviour and ultimately lead to positive tenancies.

Eligibility requirements (O. Reg. 298/01, Part III, s. 7) includes the ability to live independently and “an individual is able to live independently if he or she is able to perform for himself or herself the normal essential activities of day-to-day living” and “an individual shall be deemed to be able to live independently if the individual is able to live independently with the aid of certain support services and demonstrates that those support services will be provided to him or her when they are required”. Individuals who have had two failed tenancies and been evicted for cause due to a verified violent or destructive act will be deemed unable to live independently.

## **Process**

When an applicant has been previously housed within NRH or with a housing provider and been evicted for cause due to a violent or destructive act, NRH or the housing provider as a result, would have a verified record of the behaviour. This documentation would be sufficient for NRH to support a decision that the individual could not live independently while remaining compliant with the SHRA. The applicant would be notified in writing that their application was rejected, and the notice would include the reason for the rejection and provide information on support services that could assist the applicant to be subsequently deemed eligible. Additionally, the rejected applicant would have the opportunity to appeal the decision to the NRH Appeal Committee.

NRH will put a process in place for applicants/tenants, who have been deemed ineligible, to reapply when they provide verification that they are actively involved in and receiving the appropriate supports or treatment for the behaviour that resulted in the termination of their tenancy.

The attached Appendix “A” outlines examples of acceptable supports that would deem an individual eligible to reapply for RGI housing.

**Effective Date:** October 1, 2007

This policy is subject to a review and reassessment by the NRH Board in one year, or by October 2008.

## **Service Manager's Role**

NRH will:

- add households who have been evicted for cause, due to violent or destructive behaviour, to the arrears database to allow for cross referencing when these households reapply for housing;
- notify applicants of their ineligibility and provide additional information on support services that can assist in deeming the applicant eligible;
- advise the applicant of the appeal process; and,
- hear all appeals.

## **Housing Provider's Role**

Housing providers are required to report all evictions for cause due to violent or destructive behaviour to NRH by using the "Add Comment" section of the Lotus Notes wait list system. Should the denied applicant appeal the ineligible decision, the housing provider will be required to provide NRH with the appropriate documentation to support the eviction for cause.

If you have any questions regarding the above policy please contact your Housing Administrator at (905) 682-9201.

*(Original signed by Lora Beckwith)*

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Lora Beckwith, General Manager

Attachment: Appendix "A"

### Appendix A

<b>Reasons for Eviction for Cause</b>	<b>Examples of Appropriate Support or Treatment Services</b>
Illegal Act (Break and Enters, Drugs, etc.)	<ul style="list-style-type: none"> <li>• Verification from an agency noting active involvement in a crime reduction therapy – no cost.</li> <li>• Medical documentation noting correction of substance abuse issue – low or no cost.</li> <li>• Active involvement in drug treatment centre – no cost.</li> </ul>
Violence	<ul style="list-style-type: none"> <li>• Completion of Anger Management Treatment – low or no cost.</li> <li>• Documentation from a Mental Health Agency to indicate proper use of medication/medication compliance – no cost.</li> </ul>
Harassment of Other Residents	<ul style="list-style-type: none"> <li>• For seniors: Assistance from a Senior Support Services Agency to ensure that any medical issue has been properly diagnosed and treated – no cost.</li> <li>• For families: Participation in parent management training or therapy – low cost.</li> <li>• Positive tenancy report from private sector landlord – no cost.</li> <li>• Mediation Agreement follow through – low cost.</li> <li>• Training on the effects and prevention of bullying – low cost.</li> </ul>